

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Application Stamp No.614/87.

ORIGINAL APPL.No. 643/87

1. Smt.V.K.Patel,
A.R.P.Building No.1,
2nd floor, Room No.23 & 33,
New Chikhalwadi,
Sleater Road,
Bombay - 7.
2. Smt.N.K.Parmar,
New Chikhalwadi,
New Chawl - 'J' Block,
Room No.35,
Sleater Road,
Bombay-400 007.

.. Applicants.

V/s

1. The Divisional Manager,
D.R.M.Office (W.Rly),
Bombay Central Station,
Bombay.
2. The General Manager,
Settlement Section,
Western Railway,
Opp.Churchgate Station.
3. Smt.Ramiben Chabildas Patel,
Tukipura Mauhilla,
Near Garden Factory,
Surat - 3.

.. Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.

Hon'ble Member (A) Shri P.Srinivasan.

ORAL JUDGMENT

Dated: 12.10.1987.

(Per: Shri B.C.Gadgil, Hon'ble Vice-Chairman)

Mr.Purohit for the applicants and Mr.Kasture
for the Respondents 1 & 2. Respondent No.3 is not present.
On her behalf, one Mr.V.C.Patel is present.

2. According to Mr.Purohit and Mr.Kasture, the
dispute is about the dues payable after the death of
Kantilal Chabildas Patel who was a Railway employee. He
died on 10.4.87 and some amounts are payable. Mr.Kantilal
has nominated his mother i.e. Respondent No.3 to receive
such payment.

3. Applicant No.1 and the applicant No.2 who are

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respectively widow and daughter of the said Kantilal have filed this application contending that in addition to Respondent No.3, they are also legal heirs of the deceased and as such are entitled to a share in the amount payable to the nominee by the Railway administration and that therefore the proposed action of the Railway administration of paying the amount to the mother should be quashed.

4. In our opinion, the Railway administration is not in the wrong when it wants to make payment to the nominee. The claim, if any of the applicants, cannot be decided by this Tribunal. Such claim would be based on inheritance and it has to be decided by a Civil Court.

5. The grievance of Mr.Purohit is that the Respondent No.3 would be a sort of Trustee and she will have to hold the amount on behalf of legal heirs. This contention need not detain us. All that is necessary to see is as to whether the dispute amongst the legal heir can be said to be a service matter as contemplated by the law. In our opinion, it cannot be a service matter and thus the application is liable to be rejected. However, as submitted by Mr.Purohit, we direct that the amount should not be paid to the Respondent No.3 till 12.11.87 to enable the applicants to take any appropriate action in accordance with the law.

6. The application is therefore rejected subject to the direction that the amount in question should not be paid to the Respondent No.3 till 12.11.87 with a view to enable the applicants to take appropriate action according to law.

7. No order as to cost.

B.C. Gadgil
(B.C.GADGIL)
VICE-CHAIRMAN

P. Srinivasan
(P.SRINIVASAN)
Member(A)